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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,531	12/30/1999	W. DAVID CONLEY	19260-1780	6461

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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/475,531	CONLEY, W. DAVID
Examiner	Art Unit	
Duc Nguyen	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

Art Unit: 2643

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nolting et al (6,351,453).

Consider claim 23. Nolting teaches a method for calculating charge for a telephone call, comprising monitoring a telephone call placed to a called telephone number to determine call parameters (col. 30, ln. 10-39); determining whether the telephone call originated from a telephone having an originating telephone number that corresponds to an entry in a database (col.

Art Unit: 2643

30, ln. 10-39); determining a set activation fee applies to the telephone call; calculating the charge for the telephone call by using the call parameters to calculate a first portion of the charge (col. 30, ln. 10-39); and adding the set activation fee as a second portion of the charge by a network element, so that the set activation fee is independent of the first portion of the charge (since the LEC receives 20 cents or 25 cents for every call from a coin phone to a prepaid calling card number and the cost of the call is charged to the prepaid account. Therefore, the CDR inherently contains a portion for the duration of the call and another portion to indicate that the LEC would receive 20-25 cents).

Consider claim 24. Nolting further teaches the limitations of claim 24 in (col. 7, ln. 10-21. It is noted that Call Detail Record is an accounting record produced by Switches to track Call Type, Time, Duration, Facilities used, Originator, Destination, etc. CDRs are used for customer billing, rate determination, network monitoring, and facility capacity planning).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2643

4. Claims 1-11, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453) in view of Lesley (6,188,752).

Consider claims 1-2, 7. Nolting teaches a method for charging a activation fee for a telephone call direct to a called telephone number comprising receiving, at a network element, the called telephone number and billing information from a set activation fee payphone (col. 30, ln. 10-39); inherently identifying the telephone call as having the originating telephone number associated with the set activation fee telephone (col. 30, ln. 10-39); and charging the set activation fee for the telephone call (col. 30, ln. 10-39).

Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

Consider claims 3, 5. Nolting further teaches determining whether the originating number corresponds to an entry in a billing database (col. 30, ln. 10-39).

Art Unit: 2643

Consider claims 4, 6. Lesley further teaches the use of an SCP database (fig. 1, col. 9, ln. 45-63).

Consider claims 8-10. Nolting teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising receiving the called telephone number and billing information (col. 30, ln. 10-39); and determining whether the telephone number corresponding to the pay telephone is present in the second database (col. 30, ln. 10-39). teach in the event the telephone number corresponding to the pay phone is present in the second data base, charging a set activation fee for the telephone call.

Nolting does not clearly teach in the event that the billing information is present in the first database, placing the telephone call; otherwise, informing the caller that the telephone call may not be placed.

Lesley teaches in the event that the billing information is present in the first database (col. 8, ln. 1-46), placing the telephone call (col. 8, ln. 1-46); otherwise, inherently informing the caller that the telephone call may not be placed (col. 8, ln. 26-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting in order to prevent unauthorized user to use the credit or calling card.

Consider claim 11. Nolting further teaches the billing information comprises the group of credit card (col. 30, ln. 10-28) and Lesley teaches the billing information comprises a telephone account number (col. 6, ln. 65 to col. 7, ln. 25; col. 8, ln. 47-54).

Art Unit: 2643

Consider claim 25. Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches prior to placing the telephone call, determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

5. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting et al (6,351,453) in view of Lesley (6,188,752) and Casner (4,517,411).

Consider claims 12, 15-18. Nolting teaches a method for charging a activation fee for a telephone call direct to a called telephone number comprising receiving, at a network element, the called telephone number and billing information from a set activation fee payphone (col. 30, ln. 10-39); inherently identifying the telephone call as having the originating telephone number associated with the set activation fee telephone (col. 30, ln. 10-39); and charging the set activation fee for the telephone call (col. 30, ln. 10-39).

Art Unit: 2643

Nolting does not clearly teach determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone.

Lesley teaches determining if the billing information is valid; if the billing information is valid, then placing a telephone call to the telephone number received from the set activation fee payphone (col. 2, ln. 6-29; col. 8, ln. 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lesley into the teachings of Nolting, so that the telephone owner can earn some profits and recoup losses from providing telephone service to telephone user.

Nolting in view of Lesley does not teach generating a false dial tone; receiving the called telephone number and billing information; maintaining the false dial tone; if the billing information is valid, then releasing the false dial tone; seizing a true dial tone.

Casner teaches a method for charging a fee for a telephone call direct to a called telephone number, comprising generating a false dial tone (dial tone generated by the PBX or PABX; col. 3, ln. 38-49); receiving the called telephone number and billing information (credit card, called telephone number, station number and/or room number; col. 3, ln. 38 to col. 4, ln. 17); maintaining the false dial tone (col. 3, ln. 38 to col. 4, ln. 26); if the billing information is valid (col. 4, ln. 18-26), then releasing the false dial tone; seizing a true dial tone (dial tone provided by

Art Unit: 2643

the DDD network; col. 4, ln. 18-22); and placing the telephone call to the called telephone number (col. 3, ln. 38 to col. 4, ln. 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Casner into the teachings of Nolting in view of Lesley in order to effectively verify the identity of the originating station and billing information.

Consider claims 13-14. Lesley inherently teaches the approval signal and denial signal (col. 7, ln. 14-25; col. 8, ln. 1-45).

Consider claim 19. Nolting further teaches using the call parameters and activation fee to compute a charge for the telephone call (col. 30, ln. 10-28).

Consider claim 20. Nolting further teaches determining the called telephone number and the billing information originated from a telephone having an originating telephone number (col. 30, ln. 10-39); and determining the originating telephone number is associated with a set activation fee pay phone (col. 30, ln. 10-39).

Consider claims 21-22. Nolting further teaches determining whether the originating number corresponds to an entry in a billing database (col. 30, ln. 10-39).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 308-6306 or (703) 308-6296** (Group's Fax numbers)  
**(703) 746-7251** (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

October 21, 2002

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**